THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

-

WRIT PETITION NO 15672 of 2005

-

Dated: 06.09.2005

Between:

D. Krishna Rao, S/o D. Narayana Swamy .. **Petitioner**

And

1. The Assistant Postmaster General (Staff & Vigilance),

O/o Chief Postmaster General, AP Circle, Hyderabad and

two others. **.. Respondents**

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :15672 of 2005

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking a direction, in the nature of writ of certiorari, to set aside the Order dated 12.4.2005 in O.A.No.287 of 2005 on the file of the Central Administrative Tribunal, Hyderabad, and to direct the respondents to refund the

amount of Rs.78,000/- along with penal interest to the petitioner.

The case of the writ petitioner is that during his tenure as Assistant Superintendent of Post Offices, he inspected Yousufguda Post Office on 14.12.2001 and verified cash and stamp balances and found them correct. While so, on 10.6.2004, the Asst. Chief Postmaster General while alleging that he found fraudulent withdrawals during the period of inspection made by the petitioner at Yousufguda Post Office, asked him to pay Rs.78,000/- or otherwise, disciplinary proceedings will be initiated against him. As he was going to be retired by 30.6.2004, apprehending that in case the disciplinary proceedings are launched, all his terminal benefits would be held up, the petitioner paid the said amount on 17.6.2004. After receipt of all terminal benefits, after his retirement, the petitioner made a representation to the 2nd respondent to refund the amount of Rs.78,000/- alleging that the same was collected illegally, but of no avail. Hence, the petitioner approached the Tribunal vide O.A.No.287 of 2005 and the said O.A. was dismissed. Aggrieved by the same, the petitioner filed the present writ petition.

Heard the learned Counsel on record. Perused the material available on record.

As can be seen from the record, it is apparent that on the oral directions, the petitioner deposited the amount of Rs.78,000/- to escape from the disciplinary proceedings. On a perusal of the representation of the petitioner, dated 17.6.2004, it appears, that by paying the amount of Rs.78,000/- voluntarily, he requested the respondents not to launch any disciplinary proceedings against him. The receipt also shows that he paid the amount towards inspectorial lapses in Yousufguda Post Office.

After retirement, the petitioner approached the Tribunal with a plea that he is not responsible for the alleged fraudulent withdrawals and he paid the alleged amount under coercion and therefore, the respondents are liable to refund the said amount.

From the above facts and circumstances, it is understood that the petitioner, while he was in service, by depositing the said amount of Rs.78,000/-, requested the respondents to exonerate him from all the lapses and not to initiate any disciplinary proceedings against him. After his retirement, that too, after receipt of all retirement

benefits, the petitioner approached the Tribunal by taking a different stand. In that view of the matter, we see no bonafides on the part of the petitioner.

In the above facts and circumstances of the case, we feel that the Tribunal has rightly dismissed the O.A observing that the petitioner had voluntarily deposited the amount to escape disciplinary proceedings, and therefore, the findings of the Tribunal need not be disturbed. Hence, this writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

_____

Justice T. Meena Kumari

_____

Justice P. Lakshmana Reddy

Dated: 06.09.2005

Nn.